**HON'BLE SRI JUSTICE GODA RAGHURAM**

**W.P.NO. 7841 OF 2001**

**DATED: 09.12.2005**

Between:

Ex JC-16158 Subedar B.C. Chakravarthy

… Petitioner

and

The Union of India through the Secretary,

Ministry of Defence, Government of India,

New Delhi and another

… Respondents

**HON'BLE SRI JUSTICE GODA RAGHURAM**

**W.P.NO.7841 OF 2001**

**ORAL ORDER:**

-

Writ Petition is filed by a retired Subedar of the Indian Army. He seeks a

declaration that the action of the respondents in not paying him the one time increment at the rate of Rs.595/- per month with effect from 1.1.1992 and instead paying only at the rate of Rs.179/- per month, by reducing his entitlement to OTI at 10% per annum for the re-employment period of 7 years in Praga Tools Limited from February 1972 to November 1979, is illegal and for a consequential direction to pay him arrears of the illegally withheld amounts.

It is stated by Sri K.M. Saxena, learned counsel for the petitioner, that the condition in the scheme for grant of a one time increase in pension to Armed Forces Pensioners who retired before 1.1.1986, issued in the Government of India, Ministry of Defence's Circular dated 25.2.1994 in particular paragraph 2.8, which had denied the benefit of the OTI to persons who did not work (on re-employment) in the specified Government or Government undertakings, spelt out in clause 2.8 of the scheme, has since been withdrawn to a limited extent and with effect from 1.1.1986. As a consequence of such partial withdrawal of the offending clause, the petitioner is denied the benefit of the OTI for the period 1.1.1992 to 31.12.1995. Sri Saxena states that in respect of the period 1.1.1992 to 31.12.1995, the petitioner desires to represent his subsisting grievance to the Union of India and would not like to pursue a decision in this Writ Petition.

In the circumstances stated, the writ petition is dismissed as withdrawn. Petitioner is at liberty to make a representation to the respondents including the Union of India, for grant of the OTI benefits from 1.1.1992 to 31.12.1995. On such representation being made, the appropriate respondent to whom a representation is made, shall consider the same expeditiously and in any event, within 4 weeks from the date of receipt of such representation. There shall be no order as to costs.

---

**GODA RAGHURAM, J**

**Date: 09.12.2005**

cvm